UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,157	10/31/2000	John D. Frazier	NCRC-0014-US (9169)	9753

26890	7590	02/09/2004	

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ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 November 2003</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9,13-15,17 and 18</u> is/are pending in the application.

    4a) Of the above claim(s) <u>10-12, 16 and 19-25</u> is/are cancelled.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) <u>1-9,13-15,17 and 18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/26/03 has been entered.

Claims 1-25 were pending. The communication filed 11/26/03 amended Claims 1-4, 9, 13 and

17-18, cancelled Claims 10-12, 16 and 19-25. Claims 1-9, 13-15 and 17-18 remain for

examination.

Response to Arguments

2.   Applicant's arguments, see Paper No. 12, filed 11/26/03, with respect to the rejections of

Claims 1, 2, 5-8, 10, 13-15, 19 and 21-25, rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 6,061,689 issued to Chang et al. in view of U.S. Patent No. 6,092,086

issued to McDonough et al and Claims 3, 4, 9-12, 17-18 and 20 stand rejected under 35 U.S.C.

103(a) as being unpatentable over Chang et al. in view of McDonough et al., and further in view

of U.S. Patent No. 6,348,927 issued to Lipkin, have been fully considered and are persuasive.

Therefore, the rejections have been withdrawn. However, upon further consideration, a new

ground(s) of rejection is made in view of US 5966135 issued to Roy et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 5-8, 13-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 6061689 issued to Chang et al, herein referred to as Chang in view of US

5966135 issued to Roy et al, herein referred to as Roy.

Referring to Claim 1:

Chang discloses a method of gathering data from a database comprising:

storing within a database table, objects containing image data, said database table

comprising at least one row including objects having multiple data types, each data type being

stored within a different column within said database table (col 3, lines 30-35; col 4, lines 10-

25),

receiving, in a server system, objects extracted from at least one row of said database

table in response to a first request received from a client system (col 8, lines 55-65).

Chang does not explicitly disclose "the objects corresponding to one or more layers;

in the server system, combining the objects and creating a file containing a

representation of the image data for communication to the client system;

displaying said representation of the image data in the client system;

generating a second request for at least one additional layer of image data in response to a

selection at said client system of an element of the displayed representation of the image data in

the client system;

receiving, in said server system additional objects extracted from at least one additional

row of said database table in response to said second request received from said client system,

the objects corresponding to said at least one additional layer of image data, in the server system,

combining the additional objects and creating a file containing an updated representation of the

image data for communication to the client system; and

displaying said updated representation of the image data in the client system."

Roy discloses the objects corresponding to one or more layers (col 2, lines 55-65);

in the server system, combining the objects and creating a file containing a

representation of the image data for communication to the client system (col 4, lines 55-65; col 5,

lines 10-20);

displaying said representation of the image data in the client system (col 3, lines 50-60);

generating a second request for at least one additional layer of image data in response to a

selection at said client system of an element of the displayed representation of the image data in

the client system (col 2, lines 5-15; col 11, lines 55-68);

receiving, in said server system additional objects extracted from at least one additional

row of said database table in response to said second request received from said client system,

the objects corresponding to said at least one additional layer of image data, in the server system,

combining the additional objects and creating a file containing an updated representation of the

image data for communication to the client system (col 2, lines 4-16; col 3, lines 5-25);

and displaying said updated representation of the image data in the client system (col 3, lines 15-25).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Chang such that a representation, created in response to a user query, contains a plurality of objects, said objects corresponding to one or more layers and updating said representation in response to a second query for additional layers. One of ordinary skill in the art would have been motivated to do this because it would provide a display mechanism that provides a zooming capability (Roy: col 3, lines 45-60).

Referring to Claim 13:

Chang discloses a system comprising:

a database including a database table, said database table comprising at least one row including objects containing geospatial data, said objects having multiple data types, each data type being stored within a different column within said database table (col 3, lines 30-35; col 4, lines 10-25; col 10, lines 15-30);

an interface to said database system (col 6, lines 40-45);

an interface to a client system (Fig 3; col 1, lines 55-60).

Chang does not explicitly disclose "a controller adapted to a first receive a request from the client system, receive objects containing geospatial data extracted from the database system in response to the first request, and combine the objects into a file that provides a visual representation of the image data;

means for displaying, said visual representation of the image data in the client system;

and

said controller further adapted to receive, a second request from the client system

generated in response to a selection at said client system of an element of the displayed

representation of the image data in the client system, receive additional objects containing

geospatial data extracted from the database system in response to the second request, and

combine the additional objects into file that provides an updated visual representation of the

image data."

Roy discloses a controller adapted to a first receive a request from the client system,

receive objects containing geospatial data extracted from the database system in response to the

first request, and combine the objects into a file that provides a visual representation of the image

data (col 3, lines 5-25; col 5, lines 20-35);

means for displaying, said visual representation of the image data in the client system

(col 3, lines 15-25); and

said controller further adapted to receive, a second request from the client system

generated in response to a selection at said client system of an element of the displayed

representation of the image data in the client system, receive additional objects containing

geospatial data extracted from the database system in response to the second request, and

combine the additional objects into file that provides an updated visual representation of the

image data (col 2, lines 5-20; col 3, lines 5-25; 35-60).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify the teachings of Chang such that a representation, created in response to

a user query, contains a plurality of objects, said objects corresponding to one or more layers and

updating said representation in response to a second query for additional layers. One of ordinary

skill in the art would have been motivated to do this because it would provide a display

mechanism that provides a zooming capability (Roy: col 3, lines 45-60).

Referring to Claims 2 and 14:

      Chang in view of Roy discloses the limitations as discussed in Claims 1 and 13 above.

Chang further discloses said database comprises an object relational database (col 4, lines 10-

25).

Referring to Claims 3 and 17:

      Chang in view of Roy discloses the limitations as discussed in Claim 1 and 13 above.

      Roy further discloses creating a file comprises creating a markup language file (col 8,

lines 45-55).

Referring to Claim 5:

      Chang in view of Roy discloses the limitations as discussed in Claim 1 above. Roy

further discloses said objects containing geospatial data (col 5, lines 20-35).

Referring to Claim 6:

Chang in view of Roy discloses the limitations as discussed in Claim 1 above. Roy

further discloses said objects contain geospatial data and said multiple data types include at least

one of the following elements: points, lines, and polygons (col 5, lines 20-35).

Referring to Claims 7:

Chang in view of Roy discloses the limitations as discussed in Claim 1 above. Roy

further discloses said objects contain geospatial data and said multiple data types include at least

one of the following elements: an image, points, lines, and polygons (col 5, lines 20-35).

Referring to Claim 8:

Chang in view of Roy discloses the limitations as discussed in Claim 7 above. Roy

further discloses combining the objects comprises combining two or more of the image, points,

lines, and polygons (col 3, lines 40-60; col 6, lines 10-25; col 7, lines 45-55).

Referring to Claim 15:

Chang in view of Roy discloses the limitations as discussed in Claim 13 above. Roy

further discloses said multiple data types include at least one of an image, points, lines, and

polygons (col 5, lines 20-35).

4.   Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

6061689 issued to Chang et al, herein referred to as Chang and US 5966135 issued to Roy et al,

herein referred to as Roy in view of US 6348927 issued to Lipkin, herein referred to as Lipkin.

Referring to Claims 4 and 9:

Chang and Roy disclose the limitations as discussed in Claims 3 and 8 above.

Chang in view of Roy do not explicitly disclose the claimed "creating a Virtual Reality

Markup Language file".

Lipkin discloses creating the file comprises creating a Virtual Reality Markup Language

file (col 5, lines 45-55).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify Chang in view of Rot to create a Markup Language file.   One of

ordinary skill in the art would have been motivated to do this because it would allow the

information to be displayed on a browser (Lipkin: Fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on 1703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton

JEAN M. CORRIELUS
PRIMARY EXAMINER